

**PLANNING AND ZONING BOARD
OCTOBER 11, 2006**

1. ROLL CALL

The meeting was called to order at 7:00 p.m. Board members present were Chair Mike Bender, Vice-Chair Scott McLaughlin, Philip Busey, John Stevens and Mimi Turin. Also present were Councilmember Caletka (departed at 7:20 p.m.), Town Attorney Monroe Kiar, Planning and Zoning Manager Bruce Dell, Planners David Abramson, Phillip Bachers and Ingrid Allen, and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: September 27, 2006

Vice-Chair McLaughlin made a motion, seconded by Mr. Busey, to approve the minutes of September 27, 2006. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PLAT

3.1 P 11-2-05, Oak Landings, 6501/6641 SW 41 Street (RM-16)

Ms. Turin disclosed that approximately 18 months ago, Pillar Consultants, Inc. had done some work at her home. Mr. Kiar asked if she had anything to inure for her personal benefit as a result of voting on this item. As she did not, he opined that there was no conflict.

Jay Evans, representing the petitioner, was present. Mr. Abramson summarized the planning report.

Vice-Chair McLaughlin asked if there was a site plan indicating a northern utility easement to connect the existing utilities to the east and west. Mr. Evans responded that the plans had been submitted to the Utility Department as well as the various departments with Broward County and it had not been stipulated as a requirement.

Ms. Turin made a motion, seconded by Mr. Busey, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

4. PUBLIC HEARING

Variances

4.1 V 6-4-06, Ladue, 2961 SW 111 Terrace (R-1)

John Ladue, the applicant, was present. Mr. Bachers summarized the planning report.

Mr. Busey asked questions in order to have a clear understanding of the request and Code restrictions.

Vice-Chair McLaughlin disputed the term “front setback” noting that the property’s back yard was what faced the Hiatus Road scenic corridor. Mr. Busey explained that the interpretation of street frontage meant any portion of property that fronted a street irregardless of the placement of the house. He agreed that this was a site constrained lot as it had the configuration of three street-side frontages.

Mr. Ladue provided an overview of the variance request and of how the rural lifestyle initiative, the improvements to Hiatus Road and hurricane Wilma had impacted his situation. He spoke of the issues relative to his intention to achieve privacy and safety for his young children and their backyard pool. Mr. Ladue advised of his neighbors’ street frontage situations and he provided 17 names and addresses of neighbors who supported the fence request.

Vice-Chair McLaughlin disclosed that he had spoken with Mr. Ladue approximately a month ago. He asked Mr. Ladue how flexible he was regarding moving the fence five-feet further in on his property to allow for landscaping on the west side of the fence. Mr. Ladue was not willing to move it five feet; however, he stated that he could move it two-feet further to the east and plant a small low hedge or ground cover.

Chair Bender asked if anyone wished to speak for or against this item. As there were no speakers, the public hearing was closed.

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Chair Bender indicated that he had no problem with the type of fence. He stated that normally on a scenic corridor he would have had a problem; however, he was familiar with Hiatus Road and the fish bowl situation that has evolved for Mr. Ladue.

Although Mr. Busey agreed in part with Chair Bender's comments, he wanted to be certain that the line-of-site issues were satisfied for safety's sake. Mr. Ladue advised that he voluntarily had given up property on the southwest corner for a proper line-of-sight in order to safely observe southbound traffic on Hiatus Road.

Mr. Bachers explained the situation based on the Code from the Town's prospective. He suggested that Mr. Ladue make a compromise and have the fence moved at least half the required distance and buffer it with low-growing vegetation in order to at least meet the intent of the rural lifestyle initiative.

In viewing photographs provided by Mr. Ladue, Vice-Chair McLaughlin noted that along the east side of Hiatus Road, it was lined with heavy foliage and he could understand how the fencing would stand out. Mr. Ladue commented that if he moved the fence in 25-feet, it would be at the lowest elevation of his property and since the height of the road was raised so much, the fence top would only be three-feet above the road elevation.

Vice-Chair McLaughlin indicated that because of the unique configuration of the property, that if all sides gave a little, a fair compromise could be made with the condition that the "40-foot corner cord" be maintained for safety reasons.

Ms. Turin sympathized with the applicant's need for privacy; however, she agreed with Vice-Chair McLaughlin in that there was a "reasonableness" that was needed in this situation and she would like to see a little "give and take" on all sides.

Mr. Stevens had no problems with the height of the fence since standing at street level, it would be approximately three feet high because of the slope. He also had no problems with the opacity of the fence; however, he would like to see the landscape buffer and was not sure that five-feet would be enough.

Chair Bender asked for a motion for the variance Section 12-286 (B) (1).

Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to approve subject to it complying with the 40-foot line-of-sight and as long as it did not encroach on the neighbor's property. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

Chair Bender asked for a motion for variance Section 12-284 (D).

Mr. Stevens made a motion, seconded by Chair Bender, to approve subject to it complying with the 40-foot visual line-of-sight and that it is not encroaching on the neighbor's property. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

Chair Bender asked for a motion for variance Section 12-284 (E).

Mr. Stevens made a motion, seconded by Mr. Busey, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

Chair Bender asked for a motion for variance Section 12-107 (A) (5) (c).

Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to deny. In a roll call vote, the vote was as follows: Chair Bender – no; Vice-Chair McLaughlin – yes; Mr. Busey – no; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 3-2)**

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Chair Bender asked for a motion for variance Section 12-282.

Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to deny. In a roll call vote, the vote was as follows: Chair Bender – no; Vice-Chair McLaughlin – yes; Mr. Busey – no; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 3-2)**

4.2 V 8-2-06, Curtiss, 8601 SW 27 Place (R-3)

Barrie Curtiss and Griff Williams, representing the petitioner, were present. Ms. Allen summarized the planning report.

Mr. Williams submitted four letters from the adjacent property owners that were most effected in which they stated their support of the variance request. Mr. Dell complimented the applicant on the completeness of the application.

Chair Bender asked if anyone wished to speak for or against this item. As there were no speakers, the public hearing was closed.

Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 5-0)**

5. OLD BUSINESS

Chair Bender advised that he had spoken with Development Services Director Mark Kutney regarding the “phantom fund.” Mr. Kutney assured that the Engineering Department would not bring the fund up since it had not been approved by Council.

6. NEW BUSINESS

Chair Bender advised that he would be on vacation for the November 8th meeting. Ms. Turin advised that she was scheduled for a two-week trial and was uncertain about her availability. Mr. Dell mentioned that the Davie Commons item was targeted by the Planning and Zoning Division for the November 8th meeting and that since a land use plan amendment needed a super majority vote, it may be a problem. Since Ms. Turin could not be definite about her attendance at this point in time, she indicated that she would let Ms. Gale know the week before the meeting.

7. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:20 p.m.

Date Approved: _____

Chair/Board Member